

AMENDED IN ASSEMBLY APRIL 19, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2451

Introduced by Assembly Member John A. Pérez
(*Coauthor: Senator Vargas*)

February 24, 2012

An act to amend Section 5406 of, and to add Section 5406.8 to, the Labor Code, relating to workers' compensation.

LEGISLATIVE COUNSEL'S DIGEST

AB 2451, as amended, John A. Pérez. Workers' compensation: firefighters.

Existing law specifies the time period within which various proceedings may be commenced under provisions of law relating to workers' compensation. With certain exceptions, a proceeding to collect death benefits is required to be commenced within one year from the date of death or, in some cases, from the last furnishing of benefits. However, no proceedings may be commenced more than 240 weeks from the date of injury.

This bill would require that a proceeding to collect those benefits for the death of a firefighter *or peace officer* from specified medical conditions or diseases, including cancer and tuberculosis, be commenced within one year from the date of death.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 5406 of the Labor Code is amended to read:

5406. (a) Except as provided in Section 5406.5, 5406.6, or 5406.8, the period within which may be commenced proceedings for the collection of the benefits provided by Article 4 (commencing with Section 4700) of Chapter 2 of Part 2 is one year from any of the following:

(1) The date of death if death occurs within one year from date of injury.

(2) The date of last furnishing of any benefits under Chapter 2 (commencing with Section 4550) of Part 2, if death occurs more than one year from the date of injury.

(3) The date of death, if death occurs more than one year after the date of injury and compensation benefits have been furnished.

(b) Proceedings under subdivision (a) shall not be commenced more than one year after the date of death, nor more than 240 weeks from the date of injury.

SEC. 2. Section 5406.8 is added to the Labor Code, to read:

5406.8. In the case of the death of a firefighter *or peace officer* from an injury, as defined in Section 3212, 3212.1, 3212.6, or 3212.8, the period within which proceedings may be commenced for the collection of the benefits provided by Article 4 (commencing with Section 4700) of Chapter 2 of Part 2 is one year from the date of death.